

## REMARKS

Claims 1-4 and 6-12 remain pending in the application. The dependency of claim 6 and 7 have been corrected. Applicants respectfully request entry of this amendment, as it overcomes the objections to the form of these claims that was set out in the Office Action and raises no new issues. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### Claim Objections

Claims 6 and 7 stand objected to under 37 CFR § 1.75(c) as being of improper form. Claims 6 and 7 formerly were dependent on claim 5, which Applicants cancelled. The subject matter of claim 5 was incorporated into claim 1. Applicants have now corrected the dependencies of claims 6 and 7, and claims 6 and 7 are now dependent on claim 1.

Applicants respectfully submit that this amendment overcomes the objection to claims 6 and 7 and request withdrawal of the objection.

### Rejection Under 35 USC § 102(a) Or, Alternatively, § 103(a) Over WO 00/014049

Claims 1-4 and 6-12 stand rejected under 35 U.S.C. § 102(a) as anticipated by, or, alternatively, under 35 U.S.C. § 103(a) as unpatentable over WO 00/014049. This rejection is respectfully traversed.

Applicants perfect their claim to priority by filing herewith a certified English-language translation of priority German patent application no. 199 40 855.6-44 filed on August 27 1999.

The Examiner pointed out in his Response to Arguments that a translation of the priority must be made of record in this application to rely on the priority document to overcome the cited art. With submission of the required translation, Application request the Examiner to reconsider the arguments made in Applicants' last response and to withdraw the art rejections.

Applicants claim a priority date of August 27, 1999. Regarding 102(a), anticipation requires the invention to have been known or used by others in this country or patented or described in a printed publication before invention by Applicants. The PCT application filed with the European Patent Office, based on a German application, is not evidence of knowledge or use in the United States by others. The publication on March 16, 2000 is after Applicants priority date of August 27, 1999, on which Applicants may rely with the enclosed certified translation.

The PCT application, PCT/EP99/06042, was not filed on or after November 29, 2000 and was not published in English. WO '049 is not available as prior art under 102(a) or (b) until its publication date of March 16, 2000 and not available as prior art under 102(e) as of its PCT filing date because it was not published in English; thus, under 102(e), it can only rely on its US national stage filing date.

Applicants respectfully ask the Examiner to consider the effect of the submitted certified translation in overcoming the remaining rejection. Reconsideration of the claims and withdrawal of the rejection are respectfully requested.

Conclusion

It is believed that a full and complete response has been made to the Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1220.

Respectfully submitted,

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